

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**NOTICE OF HEARING AND MOTION FOR  
TURNOVER OF RECORDS AND PROPERTY**

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TO: DENNIS E. HECKER AND HIS ATTORNEY, WILLIAM R. SKOLNICK, SKOLNICK & SCHIFF, P.A., 2100 RAND TOWER, 527 MARQUETTE AVENUE SOUTH, MINNEAPOLIS, MN 55402.

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 2:30 p.m. on April 21, 2010, in Courtroom 7 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than April 16, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion under 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005, and Local Rule 1070-1. The petition commencing this chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

5. This motion arises under Bankruptcy Rule 1009(a) and is filed under Bankruptcy Rule 9014 and Local Rule 9013-5. The trustee requests an order pursuant to 11 U.S.C. §§541(a)(4) and 542(3) the turnover of records of the debtors' financial affairs.

6. The trustee seeks turnover of the following from the debtor all of which relate to the property, business or financial affairs of the estate or the debtor:

- a. Dennis Hecker had in his possession a Toyota truck ("**Aspen Toyota**") in Aspen, CO as recently as December, 2009 - January, 2010. For that Toyota, copies of all documents evidencing ownership, registration purchase and sale, by anyone, of the vehicle. Also provide all information regarding insurance coverage on the Toyota. If not included in the foregoing documents, documents evidencing the VIN of the Toyota.
- b. Dennis Hecker had in his possession a Jeep vehicle ("**Aspen Jeep**") in Aspen, CO as recently as December, 2009 - January, 2010. For that Jeep, copies of all documents evidencing ownership, registration purchase and sale, by anyone, of the vehicle. Also provide all information regarding insurance coverage on the Jeep. If not included in the foregoing documents, documents evidencing the VIN of the Jeep.
- c. Copies of all bills of sale, receipts, correspondence, and all other documents relating to or evidencing the purchase, sale or other transfer by Dennis Hecker on behalf of Dennis Hecker or for the benefit of Dennis Hecker, any watches on or after June 4, 2009 through April 1, 2010.
- d. Copies of any and all documents evidencing or relating to any and all correspondence or communication between Dennis Hecker and Ralph Thomas, including, without limitation, e-mail communication, from May 1, 2009 through April 1, 2010.

- e. Dennis Hecker has in his possession, at Crosslake, an Agrimetal Model BWT 180 leaf blower, with an original purchase price believed to be in excess of \$10,000 and now believed to have a value of less than \$10,000. The trustee requests an order requiring Dennis Hecker to turn that blower over to the trustee within 7 days from entry of this order.

WHEREFORE, the trustee requests an order of the court requiring the debtor to turnover to the trustee, within 7 days from the date of the hearing on this motion, the following:

1. Copies of all documents evidencing ownership, registration purchase and sale, by anyone, of the Aspen Toyota previously held by the debtor in Aspen, CO. Also all information regarding insurance coverage on the Aspen Toyota. If not included in the foregoing documents, documents evidencing the VIN of the Toyota.
2. Copies of all documents evidencing ownership, registration purchase and sale, by anyone, of the Aspen Jeep previously held by the debtor in Aspen, CO. Also all information regarding insurance coverage on the Aspen Jeep. If not included in the foregoing documents, provide documents evidencing the VIN of the Aspen Jeep.
3. Copies of all bills of sale, receipts, correspondence, and all other documents relating to or evidencing the purchase, sale or other transfer by the debtor of any watches on or after June 4, 2009 through April 1, 2010.
4. Copies of any and all documents evidencing or relating to any and all correspondence or communication between the debtor and Ralph Thomas, including, without limitation, e-mail communication, from May 1, 2009 through April 1, 2010.
5. An Agrimetal Model BWT 180 leaf blower.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: March 29, 2010

By \_\_\_\_\_  
Matthew R. Burton, #210018  
Attorneys for Randall L. Seaver, Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, Minnesota 55402-1234  
(612) 332-1030

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/e/ Randall L. Seaver

Executed on March 26, 2010

\_\_\_\_\_  
Randall L. Seaver, Trustee

419207

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

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**UNSWORN CERTIFICATE OF SERVICE**

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I hereby certify that on March 29, 2010, I caused the following documents:

***Notice of Hearing and Motion for Turnover of Records and Property and Order  
(proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

Dennis E. Hecker  
1615 Northridge Drive  
Medina, MN 55391

Michael B. Lubic  
Sonnenschein Nath & Rosenthal LLP  
601 S Figueroa St Ste 2500  
Los Angeles, CA 90017-5704

Michael W. Malter  
Binder & Malter LLP  
2775 Park Avenue  
Santa Clara, CA 95050

/e/ Stephanie Wood

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Dated: March 29, 2010

Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

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**ORDER**

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This case is before the court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate.

Upon the motion and the files,

IT IS ORDERED that within seven (7) days from the entry of this order, Dennis E. Hecker shall turnover to the trustee:

1. Copies of all documents evidencing ownership, registration purchase and sale, by anyone, of the Toyota truck previously held by Dennis Hecker in Aspen, CO. Also all information regarding insurance coverage on the Toyota. If not included in the foregoing documents, provide documents evidencing the VIN of the Toyota.

2. Copies of all documents evidencing ownership, registration purchase and sale, by anyone, of the Jeep previously held by Dennis Hecker in Aspen, CO. Also provide all information regarding insurance coverage on the Jeep. If not included in the foregoing documents, provide documents evidencing the VIN of the Jeep.

3. Copies of all bills of sale, receipts, correspondence, and all other documents relating to or evidencing the purchase, sale or other transfer by Dennis Hecker on behalf of

Dennis Hecker or for the benefit of Dennis Hecker, of any watches on or after June 4, 2009 through April 1, 2010.

4. Copies of any and all documents evidencing or relating to any and all correspondence or communication between Dennis Hecker and Ralph Thomas, including, without limitation, e-mail communication, from May 1, 2009 through April 1, 2010.

5. An Agrimetal Model BWT 180 leaf blower.

Dated:

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